In the United States Court of Federal Claims Office of Special Masters

(E-Filed: March 5, 2008)

DAVID CLARK,		UNPUBLISHED
Petitioner,)	No. 99-616V
v.)	Attorneys' Fees And Costs
SECRETARY OF THE DEPARTMENT OF		
HEALTH AND HUMAN SERVICES,)	
Respondent.)	
)	

Ronald C. Homer, Boston, MA, for petitioner.

Althea W. Davis, U.S. Department of Justice, Washington, DC, for respondent.

ATTORNEYS' FEES AND COSTS DECISION1

Petitioner, David Clark, filed this action alleging that he has suffered certain injuries as a result of receiving a vaccination. He seeks an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program² (the Act or the

¹ Vaccine Rule 18(b) states that all of the decisions of the special masters will be made available to the public unless an issued decision contains trade secrets or commercial or financial information that is privileged or confidential, or the decision contains medical or similar information the disclosure of which clearly would constitute an unwarranted invasion of privacy. When a special master files a decision or substantive order with the Clerk of the Court, each party has 14 days within which to identify and move for the redaction of privileged or confidential information before the document's public disclosure.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

Program). 42 U.S.C. §§ 300aa-1 to -34 (2000 & Supp. II 2003). On January 9, 2008, the undersigned issued a decision that found that the parties' stipulation was appropriate under the Act. See Decision at 2.

On January 15, 2008, petitioners filed an Application for Attorneys' Fees and Costs (Fee App.). On January 29, 2008, respondent filed his response to petitioner's application requesting additional information. On February 14, 2008, in response to respondent's response, petitioner's counsel filed Petitioner's Exhibits 23-25. On February 15, 2008, petitioner's counsel provided a draft supplemental Application for Fees and Costs to respondent. On review of the aforementioned filings, respondent's counsel requested that petitioner's counsel reduce his request for fees and costs. Petitioner's counsel reduced his fees and costs request and respondent's counsel has no further objection. Accordingly, petitioners's counsel now seeks \$27,180.85 in attorneys' fees and \$15,117.92 in attorneys' costs and \$136.25 in costs borne by petitioner.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioners' request and on respondent's counsel's lack of objection to petitioner's counsel's amended fee request, the undersigned **GRANTS** the attorney's fees and costs as outlined in Petitioner's Amended Application for Fees and Costs.

The undersigned awards petitioner \$42,435.02 in fees and costs.

Therefore, in the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in petitioner's favor in the amount of \$42,435.02 in attorneys' fees and attorneys' costs and petitioner's costs.³ The judgment shall reflect that the Conway, Homer & Chin-Caplan PC law firm may collect \$42,298.77 from petitioner. Petitioner may retain \$136.25 for costs borne by petitioner.

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s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.